



FACT SHEET

Office of Water Resources/Summer 2005

WETLANDS FACT SHEET #13 PERMITTING FOR DOCKS AND FLOATS

IS A WETLAND PERMIT REQUIRED TO BUILD A DOCK OR FLOAT?

All docks and floats proposed on any waterbody require a permit from the Department of Environmental Management (DEM), or from the Coastal Resource Management Council (CRMC). If the dock is proposed either on salt water or within *freshwater wetlands located within the vicinity of the coast* (refer to Rule 2.03) CRMC is the permitting agency. Docks or floats on all other freshwater waterbodies, including lakes, ponds, or rivers, must receive a Wetland Permit from DEM. This fact sheet addresses DEM requirements.

WHAT IS REQUIRED TO OBTAIN A DOCK OR FLOAT PERMIT FROM DEM?

In order to obtain a permit for a dock, property owners must submit a *Request for Preliminary Determination*. The following items are required for this application:

1. A completed application form (available online or from DEM)
2. The correct fee (see Rule 8.04)
3. A brief report that describes the project and steps taken to avoid or minimize wetland impacts in design of the project (Rule 10.01 and Appendix 3).
4. Four copies of site plans
 - Site plans must clearly depict existing conditions on the property (property lines, edge of waterbody and any other wetlands, existing buildings, yards, or property accessories) and
 - Show all proposed work including the dock and any work associated with the dock, such as clearing for a path or construction of a walkway to access the dock.
 - **Four** copies are required for a dock or float application because the DEM review is combined with a review by the U.S. Army Corps of Engineers under the Programmatic General Permit review process.
 - Please refer to *Appendix 5 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules and Regulations)* for specific site plan requirements.

ARE THERE ANY PERMIT EXEMPTIONS?

One mooring or anchorage (not to exceed a weight of 100 pounds) per waterfront lot for a single boat is allowed without a freshwater wetlands permit, per Rule 6.01 and 6.16. Additionally, an *existing* dock may be repaired if it is not enlarged or extended, per Rule 6.01 and 6.03 (G).

DOES THE WETLAND PROGRAM REQUIRE THE USE OF SPECIFIC MATERIALS?

No, the Wetlands Program does not require specific materials, however, the DEM Water Quality Certificate Program recommends against the use of creosote to treat wood that will be near a wetland. For more information about creosote please see: http://www.epa.gov/pesticides/factsheets/chemicals/creosote_main.htm

ARE THERE GUIDELINES FOR BUILDING A DOCK?

Appendix I, Insignificant Alterations, lists examples of project types that may be permitted as insignificant alterations, including guidelines for sizing a dock. If these are followed, it is more likely that your dock will be permitted, but it is not a guarantee. Individual site conditions affect each separate determination.

Insignificant alterations include the following conditions (excerpted from Appendix I):

Construction and installation of a single new dock or single detached floats only where:

- The dock is supported by floats or piles, extends perpendicular to the shoreline out to, but not exceeding, twenty feet (20'), and does not exceed six feet (6') in width;
- The float does not exceed one hundred and twenty (120) square feet in area;
- The installation and placement of the dock or float poses no hazard to boating safety or navigation in any body of water including any pond, river, or stream;
- The dock or float is placed no closer than twenty feet (20') to any neighboring property line on land or superficially extending over the waterbody;
- Any new access paths to the dock do not exceed five feet (5') in width, and do not result in fill, road construction, or any other clearing of the wetlands for access;
- The dock does not extend into or obstruct a floodway; and
- Pilings and/or posts permit reasonably unobstructed flow of water.

DO I NEED TO HIRE A PROFESSIONAL TO PREPARE THE APPLICATION?

It is recommended, but not required, that a professional be hired to prepare the application. If you already have a surveyed site plan of your property, you may be able to produce an application site plan that accurately depicts site conditions and proposed work and meets DEM requirements. However, if the site plans are not clear and accurate, DEM may find technical deficiencies with the plan during the review process, which may delay the determination of your application.

WHAT IF SOMEONE OTHER THAN THE APPLICANT OWNS THE WATERBODY?

In many cases the applicant may only own property up to the shoreline. If this is the case, the applicant must determine who owns the waterbody because DEM will only issue a permit to the property owner. The applicant must provide DEM with a signed and notarized letter from the owner of the waterbody stating that the applicant has permission from the property owner to apply for a wetland permit for the dock. If the applicant has searched for a property owner, and there is no record with the town of an owner of the waterbody, documentation of this search effort must be submitted with the application. Please refer to Rule 8.02 of the August 2001 Amendments for more information.

HOW CAN I OBTAIN A COPY OF DEM'S WETLAND REGULATIONS?

A complete copy of DEM's *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act* can be obtained from DEM's Office of Technical and Customer Assistance located at the Foundry Office Complex at 235 Promenade Street, Providence (401-222-6800). You may also find this information on the DEM website at <http://www.dem.ri.gov>.

Note: The term "existing," as used throughout this fact sheet, is defined as a condition that occurred naturally and is still present or was present at the enactment of the Freshwater Wetlands Act and has continually remained the same.

Disclaimer: This Fact Sheet is meant to be used as a guideline and is not meant to be used as a substitute for the Freshwater Wetlands Act or the *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act*.